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SH 2029390

SHOOTING INCIDENT EVALUATION

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LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
LAWRENCE E. MASON • Chief Deputy District Attorney
PETER BOZANICH • Assistant District Attorney

DAVID H. GUTHMAN • Director

October 10, 2001

Captain Frank Merriman
Los Angeles County Sheriff's Department
Homicide Bureau
5747 Rickenbacker Road
Los Angeles, California 90040

Dear Captain Merriman:

Re: J.S.I.D. File No.: 100-8821/01-0070
L.A.S.D. File No.: 001-01791-0372-055

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the February 12, 2001 fatal shooting of Robert Eugene Jones, Jr., by Los Angeles Sheriff's Deputies Daniel Leon and Joey Stoker. This office conducted a review of your department's investigation package, which consisted of reports, logs, photographs, videotape, and interview statements of witnesses. The District Attorney's Command Post was notified of this shooting at 7:50 a.m. on February 12, 2001. District Attorney Senior Investigator [redacted] and Deputy District Attorney Charles Clay responded to the shooting scene shortly thereafter and were given a briefing and a walk-through of the scene. Upon concluding its review, this office has determined that the actions of Deputies Leon and Stoker were lawful acts in self-defense and defense of others.

FACTUAL ANALYSIS

On February 11, 2001 at approximately 7:25 a.m., Los Angeles Sheriff's Deputies Daniel Leon and Joey Stoker were driving a marked Sheriff's patrol unit northbound on Western Avenue north of 103rd Street. The deputies observed Jones walking southbound along the east sidewalk. Deputy Stoker recognized Jones from prior contacts. Deputy Leon stopped the unit and the deputies spoke with Jones. During the detention, Jones handed Leon a glass tube commonly used to smoke crack cocaine. The deputies detained Jones for further investigation, placed him into the rear of their

Patrol car, and asked him to remove his socks and shoes to check for narcotics. Deputy Leon saw several off-white rock-like objects resembling rock cocaine in one of Jones's shoes. Suddenly, Jones lunged and pushed Deputy Leon out of his way and ran south on Western Avenue. Deputy Leon gave chase, while Deputy Stoker followed in the patrol car.

Jones ran into the open front door of the Anand Motel at [redacted] Western Avenue, through a hallway, and into an alcove of the rear parking lot where he fell after tripping on a rug in the lobby. Deputy Leon got on top of Jones, who began to fight with him. Deputy Leon first hit Jones with his flashlight, but then dropped it. Deputy Leon ordered Jones to stop struggling, and when Jones refused to comply, sprayed him with a burst of oleoresin capsicum spray in an attempt to disable him. The O.C. spray had no effect on Jones, who continued to fight. The area in which the two were fighting was located between the south exterior wall of the alcove and the driver's side of a parked Honda Civic, approximately 18 to 24 inches in width.

Deputy Leon removed his 9-millimeter service pistol and held it in his right hand, extended away from Jones, who asked him, "Do you think you're going to shoot me?" Deputy Leon began to feel the effects of the oleoresin capsicum spray and the exhaustion of chasing and fighting with Jones. He began to "fade out" and lost control of his gun to Jones. Believing that Jones was going to kill him with his own gun, Deputy Leon reached into his [redacted] retrieved his back-up .38 caliber revolver, and fired one round at Jones.

Meanwhile, Deputy Stoker drove around to the alley behind the property in an attempt to cut off Jones's escape. As Deputy Stoker stopped the car, he saw Jones and Deputy Leon fighting for control of "a black object." Jones ultimately gained control of the object and took it from Deputy Leon. Deputy Stoker heard a gunshot as he ran from his patrol unit to assist Leon. According to Deputy Stoker, Jones still had control of the "black object" in his left hand and was lifting it up. Deputy Stoker did not yet know whether Deputy Leon or Jones had been shot. In fear for his partner's life Deputy Stoker fired two shots at Jones.

Paramedics were summoned and Jones was treated at the scene for multiple gunshot wounds. He was transported to Martin Luther King, Jr. Hospital, where he was pronounced dead at 8:06 a.m.

[redacted] was present when the deputies recovered the cocaine pipe from Jones and directed him to sit in the back of the patrol unit. As [redacted] walked west across Western Avenue to leave the area, Jones was seated in the back of the patrol unit. [redacted] then saw one of the deputies chasing Jones south along Western Avenue and into the Anand Motel. He noticed that Jones was now barefoot, and that the other deputy was in the patrol vehicle. [redacted] told investigators that he then entered a liquor store and witnessed nothing further.

[redacted] was a [redacted] at the motel and was [redacted] in the room adjacent to the alcove where the fight and shooting took place. She described hearing noises like people fighting outside, and a noise that sounded like something had been thrown against the building. She told investigators that

she looked out of a north-facing window and saw a man lying on the ground who she believed had been shot, and two deputies standing nearby. From her vantage point she could only see the man's body, and could not see if he had anything near him or what he was doing. She estimated that she heard two gunshots approximately 20 seconds after she heard the thud against the wall.

[redacted] shared the room with [redacted] and he told investigators that he also heard fighting outside. After a moment he got out of bed and heard a gunshot as he walked to the door. He opened the door and as he stepped out was told by a deputy to go back into the room and shut the door. [redacted] heard the deputy say something to the effect of, "He's moving' or something," and as [redacted] shut the door he heard two more shots. [redacted] then went to the north window where [redacted] was watching. He saw a man lying on the ground with blood pooling nearby.

Sergeant Albert Ortiz arrived moments after the shooting and observed Jones lying on the ground next to the Honda with a gun and a pepper spray canister on the ground between Jones and the alcove wall. Sergeant Ortiz also noticed that Leon's uniform shirt, pants, and boots bore abrasions and stucco powder, and that Leon's nameplate was hanging from his shirt. It should be noted that the Anand Motel building has a stucco exterior.

Deputy Medical Examiner Irwin L. Golden, M.D., performed an autopsy on the body of Robert Jones, Jr., on February 14, 2001. He attributed the cause of death to multiple gunshot wounds. Jones suffered a total of three penetrating gunshot wounds to the head, each of which was immediately life-threatening and, ultimately, fatal. One bullet struck Jones on the left side of the bridge of his nose and continued toward the back of his skull on a horizontal plane. This is consistent with the shot fired by Deputy Leon. The other two bullets struck Jones on the left front and right rear of the top of his head in left to right and downward trajectories. These two wounds are consistent with Jones lying supine on the ground when shot by Deputy Stoker. All three bullets were recovered and subsequent examination established that one bullet was fired from Deputy Leon's .38 caliber revolver and two were fired from Deputy Stoker's nine-millimeter Beretta pistol. A toxicological analysis of Jones's post-mortem blood was positive for barbiturates, cocaine, and cocaine base.

A chemical analysis of the four off-white rock-like substances Deputy Leon identified as those he saw fall from Jones's socks established a combined weight of .28 grams of solid substances containing cocaine in the base form. A latent fingerprint analysis of Deputy Leon's service pistol, magazine, and bullets was negative for fingerprints.

CONCLUSION

California Law permits the use of deadly force in self-defense or in the defense of another if it reasonably appears to the person claiming the right of self-defense or the defense of another that he actually and reasonably believed that he was in imminent danger of great bodily injury or death. People v. Williams (1977) 75 Cal. App. 3d 731.

In protecting himself or another, a person may use all force and means that he believes to be reasonably necessary and that would appear to a reasonable person in the same or similar circumstances to be necessary to prevent the injury that appears to be imminent. California Jury Instructions 5.30 and 5.32.

If one is confronted by the appearance of danger that one believes, and a reasonable person in the same position would believe, would result in death or great bodily injury, one may act upon those circumstances. Actual danger is not necessary to justify the use of deadly force in self-defense. The right of self-defense is the same whether the danger is real or merely apparent. People v. Toledo (1948) 85 Cal. App. 2d 577.

While detaining Robert Eugene Jones, Jr., Deputies Leon and Stoker discovered several rocks later found to contain base cocaine in one of his socks. Rather than peacefully submit to arrest, Jones pushed past Deputy Leon and ran into a nearby motel. While struggling with Deputy Leon in the parking lot, Jones was able to gain control of Leon's loaded nine-millimeter handgun. Given Jones's flight and violent struggle, Deputy Leon had every reason to fear for his life, especially in light of the effect the oleoresin capsicum spray was having on him.

It is the conclusion of this office that Deputy Leon was legally justified in using deadly force in self-defense. We have also concluded that Deputy Stoker was legally justified in directing deadly force at Jones, both in self-defense and in defense of Deputy Leon. While Jones may have been injured from the round fired by Deputy Leon, it is not unreasonable to believe that he still posed a danger to both deputies.

Having concluded that both deputies acted lawfully in self-defense or in defense of others, we are closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By Charles Q. Clay, III

CHARLES Q. CLAY, III
Deputy District Attorney
(213) 974-4105

c: Deputy Daniel Leon, Serial #[redacted]
Deputy Joey Stoker, Serial #[redacted]

761551N25A - SH-AD (11/90)



DATE: December 13, 2002

OFFICE CORRESPONDENCE FILE:

FROM: DAVID R. BETKEY, COMMANDER
EXECUTIVE FORCE COMMITTEE
CHAIRMAN

TO: SAMMY L. JONES, CAPTAIN
LENNOX STATION

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS HIT SHOOTING, FEBRUARY 11, 2001, INVESTIGATION #2052675**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on February 11, 2001.

The Committee met on December 12, 2002, and consisted of myself, Commander Cathy Taylor (Department Equity Commander) and Captain Dennis Burns (Internal Affairs Bureau). The Committee deemed:

- as **Founded** the allegation that Deputy Joey Stoker #[redacted] violated the Department's Manual of Policy and Procedure sections(s) 3-01/050.10, Performance to Standards, and/or 3-01/020.20, Responsibility for Completion of Duties, and/or 3-01/110.23, handcuffing of prisoners, and
- as **Founded** the allegation that Deputy Joey Stoker #[redacted] violated the Department's Manual of Policy and Procedure sections(s) 3-01/050.10, Performance to Standards, and/or 3-01/030.10, Obedience to Laws, Regulations, and Orders, and
- as **Unfounded** the allegation that Deputy Joey Stoker #[redacted] violated the Department's Manual of Policy and Procedure sections(s) 3-01/025.30, Use of Firearms and Deadly Force, and
- as **Founded** the allegation that Deputy Daniel Leon #[redacted] violated the Department's Manual of Policy and Procedure sections(s) 3-01/050.10, Performance to Standards, and/or 3-01/110.23, Handcuffing of Prisoners, and
- as **Founded** the allegation that Deputy Daniel Leon #[redacted] violated the Department's Manual of Policy and Procedure sections(s) 3-01/050.10, Performance to Standards, and/or 3-01/030.10, Obedience to Laws, Regulations, and Orders.

The Committee recommends that Deputy Joey Stoker #[redacted] receive a **10 day** suspension, and that Deputy Daniel Leon #[redacted] be suspended for **15 days**. If Division executives determine that different discipline be imposed, notify the Executive Force Review Committee Chairman immediately.

DRB:KRK:kk

EXECUTIVE FORCE REVIEW COMMITTEE

FINDINGS

IAB FILE: 2052675

DATE: December 12, 2002

COMMITTEE: Commander David Betkey, Chair
Commander Cathy Taylor, Department Equity Commander
A/Commander Dennis Burns, Internal Affairs Bureau

Following a review by the committee, the findings are as follows:

Charge #1 for **Subject Stoker** is **Founded.**

Charge #2 for **Subject Stoker** is **Founded.**

Charge #3 for **Subject Stoker** is **Unfounded.**

Charge #1 for **Subject Leon** is **Founded.**

Charge #2 for **Subject Leon** is **Founded.**

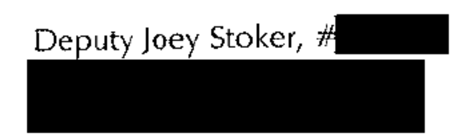


County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

August 18, 2003



Deputy Joey Stoker, #[redacted]
[redacted]

Dear Deputy Stoker:

On December 16, 2002, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2052675. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. After reviewing the response submitted to support your position, the Department executives have amended the recommended discipline.

You are hereby notified that you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of eight (8) days. However, pursuant to a settlement agreement between you and the Department, four (4) of the eight (8) days will be held in abeyance for a period of twelve (12) months which will end on July 17, 2004. If you should become the Subject of a founded administrative investigation, with similar violations, and the event occurred within the prescribed twelve (12) month time period, the four (4) days will be imposed. Additionally, you will be subjected to further discipline for each and every founded violation of the Department's Manual of Policy and Procedures. All Departmental records will reflect, nevertheless, that you received a eight (8) day suspension.

The effective dates for the remaining four (4) day suspension are from August 19, 2003 through August 22, 2003.

An investigation under File Number IAB 2052675, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/020.20, Responsibility for Completion of Duties; and/or 3-01/050.10, Performance to Standards; and/or 3-01/110.23, Handcuffing Prisoners,

on or about February 11, 2001, you failed to adequately supervise a [redacted] by allowing an arrestable detainee to remain unhandcuffed in the rear seat of a radio car with the door open, creating an avenue for the suspect to escape, which led to a foot pursuit and the subsequent shooting death of the suspect.

2. That in violation of Manual of Policy and Procedures Sections 3-01/030.10, Obedience to Laws, Regulations and Orders and/or 3-01/050.10, Performance to Standards, on or about February 11, 2001, you failed to announce a foot pursuit, remain in sight of your partner and coordinate a controlled response to establish a containment area, as directed in Field Operations Directive 97-7.

Prior to imposing this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Richard A. Adams, Captain
Commander, Lennox Station

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

RAA:EBS:rjb

c: Advocacy Unit
Michael M. Nagaoka, Chief, Field Operations Region II
Internal Affairs Bureau
Personnel Administration
Office of Independent Review (OIR)
Lennox Station/Unit Personnel File

RECEIVED

JUL 2 3 2003

EMPLOYEE RELATIONS

SETTLEMENT AGREEMENT

This Agreement is entered into between the Los Angeles County Sheriff's Department, hereinafter referred to as "Department," and Deputy Joey Stoker, Employee Number [redacted], hereinafter referred to as "Grievant."

The Department and Grievant are parties to this dispute and desire to settle all issues involved in the Letter of Intent dated December 16, 2002, (IAB No. 2052675) upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, the Department and Grievant for and in consideration of the mutual covenants contained herein, agree as follows:

. The Department will, upon execution of this Agreement, reduce the intended ten (10) day suspension to a eight (8) day suspension. The Letter of Imposition shall contain the same charges as the Letter of Intent.

2. The Department will further, impose four (4) days of the intended eight (8) day suspension. The remaining four (4) suspension days will be held in abeyance.

3. The Grievant understands that if he becomes the subject of a founded investigation involving similar violations of the Manual of Policy and Procedures, and that if the event resulting in the founded investigation occurred within the twelve (12) month period of the date of execution of this Agreement, the four (4) days held in abeyance shall be imposed. In addition, the Grievant understands that he will be subjected to additional discipline for each and every founded violation of the Department's Manual of Policy and Procedures.

4. Both parties agree and understand that the Grievant's records will reflect that the eight (8) day suspension was imposed and may be used for the purposes of demonstrating "progressive discipline."

5. The Grievant further agrees to withdraw his grievance and waive any and all further administrative or judicial remedies with respect to the Letter of Imposition and the modified discipline.

6. The parties further agree that this Settlement shall not be considered, cited, or used in future disputes as establishing past precedent or past employment practice.

7. In consideration of the terms and conditions set forth herein, Grievant

agrees to fully release, acquit and forever discharge the County, and all present and former officers, employees and agents of the County, and their heirs, successors, assigns and legal representatives from any and all liability whatsoever for any and all claims arising out of or connected with the employment relationship between the County and Grievant concerning the subject matter of the grievance referred to herein.

8. The Grievant further agrees to relinquish and expressly waives all rights conferred upon him by the provisions of California Civil Code Section 1542, which reads as follows:

> "A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."

9. The date of the last signature placed hereon shall hereinafter be known as the "date of execution" and the "effective date" of this Agreement.

10. The parties agree that the foregoing comprises the entire Agreement between the parties and that there have been no other promises made by any party. Any modification of this Agreement must be in writing.

I have read the foregoing Settlement Agreement and I accept and agree to the provisions contained therein and hereby execute it voluntarily and with full understanding of its consequences.

For the Sheriff's Department:

Date: 07/02/03

Joey Stoker, Deputy

Date: 7-18-03

Richard A. Adams, Captain



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

December 16, 2002

Deputy Joey Stoker, #[redacted]

Dear Deputy Stoker:

You are hereby notified that it is the intention of the Sheriff's Department to suspend you without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of ten (10) days.

An investigation under File Number IAB 2052675, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/020.20, Responsibility for Completion of Duties; and/or 3-01/050.10, Performance to Standards; and/or 3-01/110.23, Handcuffing Prisoners, on or about February 11, 2001, you failed to adequately supervise a [redacted] by allowing an arrestable detainee to remain unhandcuffed in the rear seat of a radio car with the door open, creating an avenue for the suspect to escape, which led to a foot pursuit and the subsequent shooting death of the suspect.

2. That in violation of Manual of Policy and Procedures Sections 3-01/030.10, Obedience to Laws, Regulations and Orders and/or 3-01/050.10, Performance to Standards, on or about February 11, 2001, you failed to announce a foot pursuit, remain in sight of your partner and coordinate a controlled response to establish a containment area, as directed in Field Operations Directive 97-7.

Prior to determining this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You have the right to grieve this disciplinary action within ten (10) business days of receipt of this letter. Your grievance procedures may be found in your classification's negotiated Memorandum of Understanding.

Failure to respond to this Letter of Intent within ten (10) business days will be considered a waiver of your right to grieve and will result in the imposition of this discipline indicated herein.

You may receive a copy of the material on which the discipline is based by contacting Luci Guillen of the Internal Affairs Bureau at (323) 890-5314, and arranging an appointment during the ten (10) day period in which you may respond.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

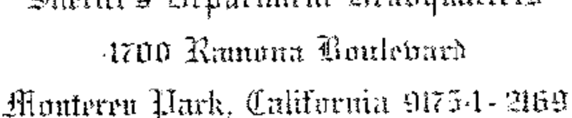
Original Signed

Sam L. Jones, Captain
Commander, Lennox Station

SLJ:DHB:lg

c: Advocacy Unit
Employee Relations Unit
Michael M. Nagaoka, Chief, Field Operations Region II
Internal Affairs Bureau
Office of Independent Review (OIR)
(File # IAB2052675







LEROY D. BACA, SHERIFF

June 12, 2003

Deputy Daniel Leon, #[redacted]
[redacted]

Dear Deputy Leon:

On December 16, 2002, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2052675. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond, and did review the material on December 19, 2002. After reviewing the response submitted to support your position, the Department executives have amended the recommended discipline.

You are hereby notified that you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of five (5) days. However, pursuant to a settlement agreement between you and the Department, three (3) of the five (5) days will be held in abeyance for a period of twelve (12) months which will end on May 21, 2004. If you should become the Subject of a founded administrative investigation, with similar violations, and the event occurred within the prescribed twelve (12) month time period, the three (3) days will be imposed. Additionally, you will be subjected to further discipline for each and every founded violation of the Department's Manual of Policy and Procedures. All Departmental records will reflect, nevertheless, that you received a five (5) day suspension.

The effective dates for the remaining two (2) days suspension are from June 14, 2003 through June 15, 2003.

An investigation under File Number IAB 2052675, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards, on or about February 11, 2001, you failed to handcuff an arrestable detainee and without establishing adequate prisoner security, you placed yourself in a vulnerable position that allowed the suspect to escape.

2. That in violation of Manual of Policy and Procedures Sections 3-01/030.10, Obedience to Laws, Regulations and Orders and/or 3-01/050.10, Performance to Standards, on or about February 11, 2001, you utilized a weapon for which you had not completed training classes, and/or qualified, in violation of Manual Section 3-03/210.05, Authorized Secondary Handguns.

Prior to imposing this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Sam L. Jones, Captain
Commander, Lennox Station

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

SLJ:EBS:tm

c: Advocacy Unit
Michael M. Nagaoka, Chief, Field Operations Region II
Internal Affairs Bureau
Personnel Administration
Office of Independent Review (OIR)
Lennox Station/Unit Personnel File

SETTLEMENT AGREEMENT

This Agreement is entered into between the Los Angeles County Sheriff's Department, hereinafter referred to as "Department," and Deputy Daniel Leon, Employee Number [redacted] hereinafter referred to as "Grievant."

The Department and Grievant are parties to this dispute and desire to settle all issues involved in the Letter of Intent dated December 16, 2002, (IAB No. 2052675) upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, the Department and Grievant for and in consideration of the mutual covenants contained herein, agree as follows:

1. The Department will, upon execution of this Agreement, reduce the intended fifteen (15) day suspension to a five (5) day suspension. The Letter of Imposition shall contain the same charges as the Letter of Intent.

2. The Department will further impose two (2) days of the intended five (5) day suspension. The remaining three (3) day suspension will be held in abeyance.

3. The Grievant understands that if he becomes the subject of a founded investigation involving similar violations of the Manual of Policy and Procedures, and that if the event resulting in the founded investigation occurred within the twelve (12) month period of the date of execution of this Agreement, the three (3) days held in abeyance shall be imposed. In addition, the Grievant understands that he will be subjected to additional discipline for each and every founded violation of the Department's Manual of Policy and Procedures.

4. Both parties agree and understand that the Grievant's records will reflect that the five (5) day suspension was imposed and may be used for the purposes of demonstrating "progressive discipline."

5. Both parties further agree that the alleged violation of Manual of Policy and Procedures Section 3-01/110.23, Handcuffing Prisoners, shall be rescinded.

6. The Grievant further agrees to withdraw his grievance and waive any and all further administrative or judicial remedies with respect to the Letter of Imposition and the modified discipline, and also waives any administrative or judicial remedies with respect to any imposition pursuant to paragraph three (3), above.

RECEIVED

MAY 21 2003

For II Headquarters

7. The parties further agree that this Settlement shall not be considered, cited, or used in future disputes as establishing past precedent or past employment practice.

8. In consideration of the terms and conditions set forth herein, Grievant agrees to fully release, acquit and forever discharge the County, and all present and former officers, employees and agents of the County, and their heirs, successors, assigns and legal representatives from any and all liability whatsoever for any and all claims arising out of or connected with the employment relationship between the County and Grievant concerning the subject matter of the grievance referred to herein.

9. The Grievant further agrees to relinquish and expressly waives all rights conferred upon him by the provisions of California Civil Code Section 1542, which reads as follows:

> "A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."

10. The date of the last signature placed hereon shall hereinafter be known as the "date of execution" and the "effective date" of this Agreement.

11. The parties agree that the foregoing comprises the entire Agreement between the parties and that there have been no other promises made by any party. Any modification of this Agreement must be in writing.

I have read the foregoing Settlement Agreement and I accept and agree to the provisions contained therein and hereby execute it voluntarily and with full understanding of its consequences.

For the Sheriff's Department:

Date: 05/19/03 Date: 5/28/03

Daniel Leon, Deputy Michael Nagaoka, Chief



County of Los Angeles

Sheriff's Department Headquarters

4700 Ramona Boulevard

Monterey Park, California 91754-2169



December 16, 2002

Deputy Daniel Leon, #[redacted]

[redacted]

Dear Deputy Leon:

You are hereby notified that it is the intention of the Sheriff's Department to suspend you without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of fifteen (15) days.

An investigation under File Number IAB 2052675, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards and/or 3-01/110.23, Handcuffing Prisoners, on or about February 11, 2001, you failed to handcuff an arrestable detainee and without establishing adequate prisoner security, you placed yourself in a vulnerable position that allowed the suspect to escape.

2. That in violation of Manual of Policy and Procedures Sections 3-01/030.10, Obedience to Laws, Regulations and Orders and/or 3-01/050.10, Performance to Standards, on or about February 11, 2001, you utilized a weapon for which you had not completed training classes, and/or qualified, in violation of Manual Section 3-03/210.05, Authorized Secondary Handguns.

Prior to determining this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You have the right to grieve this disciplinary action within ten (10) business days of receipt of this letter. Your grievance procedures may be found in your classification's negotiated Memorandum of Understanding.

Failure to respond to this Letter of Intent within ten (10) business days will be considered a waiver of your right to grieve and will result in the imposition of this discipline indicated herein.

You may receive a copy of the material on which the discipline is based by contacting Imelda Delgado of the Internal Affairs Bureau at (323) 890-5311, and arranging an appointment during the ten (10) day period in which you may respond.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Sam L. Jones, Captain
Commander, Lennox Station

SLJ:DHB:lg

c: Advocacy Unit
Employee Relations Unit
Michael M. Nagaoka, Chief, Field Operations Region II
Internal Affairs Bureau
Office of Independent Review (OIR)
(File # IAB 2052675)

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: FEBRUARY 11, 2001	Bureau/Station/Facility: LENNOX	Admin. Invest.? ☐	Hit? ☒

Incident Information

URN: 001-01791-0372-055	Date: FEBRUARY 11, 2001 Time: 0724 HRS
City or Station: LENNOX	Nature of Incident: DEPUTY INVOLVED SHOOTING AT LENNOX STATION- SUSPECT DEAD
Location: [redacted] WESTERN AVE. LOS ANGELES	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, **Parking Lot** (circled), Residence, Rural, School, Street, Other: ______

Lighting (*circle only one*): Darkness, **Daylight** (circled), Other, Street Lights

Weather (*circle only one*): **Clear** (circled), Cloudy, Fog, Rain

Distance:

Incident Type (*circle one or more*): Accidental, **Armed Person** (circled), Fleeing Suspect, **Foot Pursuit** (circled), **Gun Take Away** (circled), Moving Vehicle, Sniper/Ambush, Startle, **Struggle Involved** (circled), Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Other: ______

Initiated by (*circle only one*): Arrest Warrant, Call, Observation, One Person Unit, Other, Search Warrant, **Two Person Unit** (circled)

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, **Routine Patrol** (circled)

Total # of Shots Fired by Deputy: 1+2=3

Total # of Shots Fired by Suspect: 0

Aero Unit? ☐ Canine Unit? ☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	SUM	DAVID	C.	EM PM **Day** (circled)	**Regular** (circled) Overtime Off Duty
[redacted]	PRATT	STEVEN	R.	EM PM **Day** (circled)	**Regular** (circled) Overtime Off Duty
[redacted]	SILLIMAN	DANNY	E.	EM PM **Day** (circled)	**Regular** (circled) Overtime Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	City	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
[redacted]	ORTIZ	ALBERT	M.	**On Duty** (circled), Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	TATREAU	JAMES	D.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	ZABOKRTSKY	DAVID	E.

PSTD Use Only
SH # ______

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See Reverse

Officer Involved Shooting

URN: 001-01791-0372-055

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
FEBRUARY 11, 2001	0950 HRS		

Employee #	Last Name	First Name	M.I
[redacted]	SMITH,	RICHARD	G.
[redacted]	CAMPBELL	THOMAS	T.
[redacted]	O'BRIEN	THOMAS	M.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CD) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious

(RM) Refused Med Treatment

(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
E#1	S#1	FH	SW	38	Y	Y	DH	HD
E#2	S#1	FH	BR	9	Y	Y	DH	HD

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See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 001-01791-0372-055

Involved Employee

E 1

Employee # [redacted] | Last Name: LEON | First Name: DANIEL | M.I. R.

Sex: M | Race: H | Rank: DEPUTY | Unit Assignment: LENNOX | Work Assignment (Unit #, Module, etc.): 31D

ShiftTime (*circle only one*): EM PM (Day) | ShiftType (*circle only one*): (Regular) Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # | Interviewed? ☐

Hrs of sleep prior to shooting: | Duty Time (hrs): [redacted] | Clothing (*circle only one*): Plain Clothes no Vest; Raid Jacket w/ Vest; Plain Clothes w/ Vest; Uniform no Vest; Raid Jacket no Vest; (Uniform w/ Vest) | Other Factors:

Age: [redacted] | Height: 5'10" | Weight: 175lbs

Range Qualification Date: [redacted] | PPC Qualification Date: [redacted] | Laser Training Date: [redacted]

Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit: [redacted] | Prior Shootings? [redacted] | Number of Prior Shootings: [redacted]

Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I. [redacted]

Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I. [redacted]

E 2

Employee # [redacted] | Last Name: STOKER | First Name: JOEY | M.I. E.

Sex: M | Race: W | Rank: DEP B/1 | Unit Assignment: LENNOX | Work Assignment (Unit #, Module, etc.): 31D

ShiftTime (*circle only one*): EM PM (Day) | ShiftType (*circle only one*): (Regular) Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☒ | Coroner Case # | Interviewed? ☐

Hrs of sleep prior to shooting: | Duty Time (hrs): [redacted] | Clothing (*circle only one*): Plain Clothes no Vest; Raid Jacket w/ Vest; Plain Clothes w/ Vest; Uniform no Vest; Raid Jacket no Vest; (Uniform w/ Vest) | Other Factors:

Age: [redacted] | Height: 5'10" | Weight: 185lbs

Range Qualification Date: [redacted] | PPC Qualification Date: [redacted] | Laser Training Date: [redacted]

Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit: [redacted] | Prior Shootings? [redacted] | Number of Prior Shootings: [redacted]

Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I. [redacted]

Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I. [redacted]

E ___

Employee # | Last Name | First Name | M.I.

Sex: | Race: | Rank | Unit Assignment: | Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*): EM PM Day | ShiftType (*circle only one*): Regular Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # | Interviewed? ☐

Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): Plain Clothes no Vest; Raid Jacket w/ Vest; Plain Clothes w/ Vest; Uniform no Vest; Raid Jacket no Vest; Uniform w/ Vest | Other Factors:

Age: | Height: | Weight:

Range Qualification Date: | PPC Qualification Date: | Laser Training Date:

Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ | Number of Prior Shootings:

Field Training Officer Emp # | Last Name | First Name | M.I.

Field Training Officer Emp # | Last Name | First Name | M.I.

See Other Side




Officer Involved Shooting Suspect Information

URN: 001-01791-0372-055

Suspect Information

S 1

Last Name: JONES	First Name: ROBERT, JR.	M.I. E.
AKA Last Name:	First Name:	M.I.
Sex: M Race: BLK	Street Address: [redacted]	City: [redacted] State & Zip Code: [redacted]
Work Phone:	Home Phone:	Social Security #: [redacted] Driver's License #: [redacted]
Age: 38 D.O.B. 07-06-62	Height: 5"09" Weight: 215	FBI #: [redacted] CII #: [redacted]
Booking #:	Primary Charge:	Secondary Charge:
Coroner Case? ☒	Coroner Case #: 2001-01136	Intoxication/Drug Usage? ☐ Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☐ Criminal History? [redacted]
Vehicle Make:	Model:	Year:

S __

Last Name:	First Name:	M.I.
AKA Last Name:	First Name:	M.I.
Sex: Race:	Street Address:	City: State & Zip Code:
Work Phone:	Home Phone:	Social Security #: Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #: CII #:
Booking #:	Primary Charge:	Secondary Charge:
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐ Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐ Criminal History? ☐
Vehicle Make:	Model:	Year:

S __

Last Name:	First Name:	M.I.
AKA Last Name:	First Name:	M.I.
Sex: Race:	Street Address:	City: State & Zip Code:
Work Phone:	Home Phone:	Social Security #: Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #: CII #:
Booking #:	Primary Charge:	Secondary Charge:
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐ Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐ Criminal History? ☐
Vehicle Make:	Model:	Year:

S __

Last Name:	First Name:	M.I.
AKA Last Name:	First Name:	M.I.
Sex: Race:	Street Address:	City: State & Zip Code:
Work Phone:	Home Phone:	Social Security #: Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #: CII #:
Booking #:	Primary Charge:	Secondary Charge:
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐ Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐ Criminal History? ☐
Vehicle Make:	Model:	Year:

See Other Side

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
PECHTER	HOWARD		L.A. COUNTY FIRE DEPARTMENT STA #14			
SPRENGER	PATRICK		L.A. COUNTY FIRE DEPARTMENT STA #14			
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	90047		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]

SUPPLEMENTAL EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
ORTIZ	ALBERT	M.	LENNOX SHERIFF'S STATION	90304	310-671-7531	
MOORE	LEON	A.	LENNOX SHERIFF'S STATION	90304	310-671-7531	
SILVA	ROBERT	J.	LENNOX SHERIFF'S STATION	90304	310-671-7531	

INVESTIGATIVE SUMMARY
USE OF FORCE
TYPE: DEPUTY INVOLVED SHOOTING, SUSPECT DEAD
I.A.B. FILE NUMBER: SH 2029390
URN: 001-01791-0372-055

On Sunday, February 11, 2001, Sergeants Richard Smith and Thomas T. Campbell, along with Lieutenant Mike O'Brien of the Internal Affairs Bureau responded to [redacted] Western Ave., Los Angeles regarding a Deputy Involved Shooting involving Lennox Station personnel. Lieutenant Larry Lincoln and Detectives Jim Gates, David Castillo, Steve Weireter and Toni Martinez from Homicide Bureau were on scene to conduct the criminal investigation.

The summary of this incident is based on information obtained from interviews of the involved employees and witnesses, whose individual statements are contained in the Homicide Bureau case package (**refer to Exhibit A**).

INVOLVED PERSONNEL:

Leon, Daniel, Deputy	#[redacted]	MH/[redacted]	5'10"/175 lbs
Stoker, Joey, Deputy	#[redacted]	MW/[redacted]	5'10"/185 lbs

EMPLOYEE WORK HISTORY:

Deputy Leon is a 4 ½ year Department veteran who has worked at Lennox Station since October 1, 2000. [redacted]

Deputy Stoker is a 10 year Department veteran who has worked at Lennox Station since October 8, 1995 and as a field training officer since October 1, 2000. [redacted]

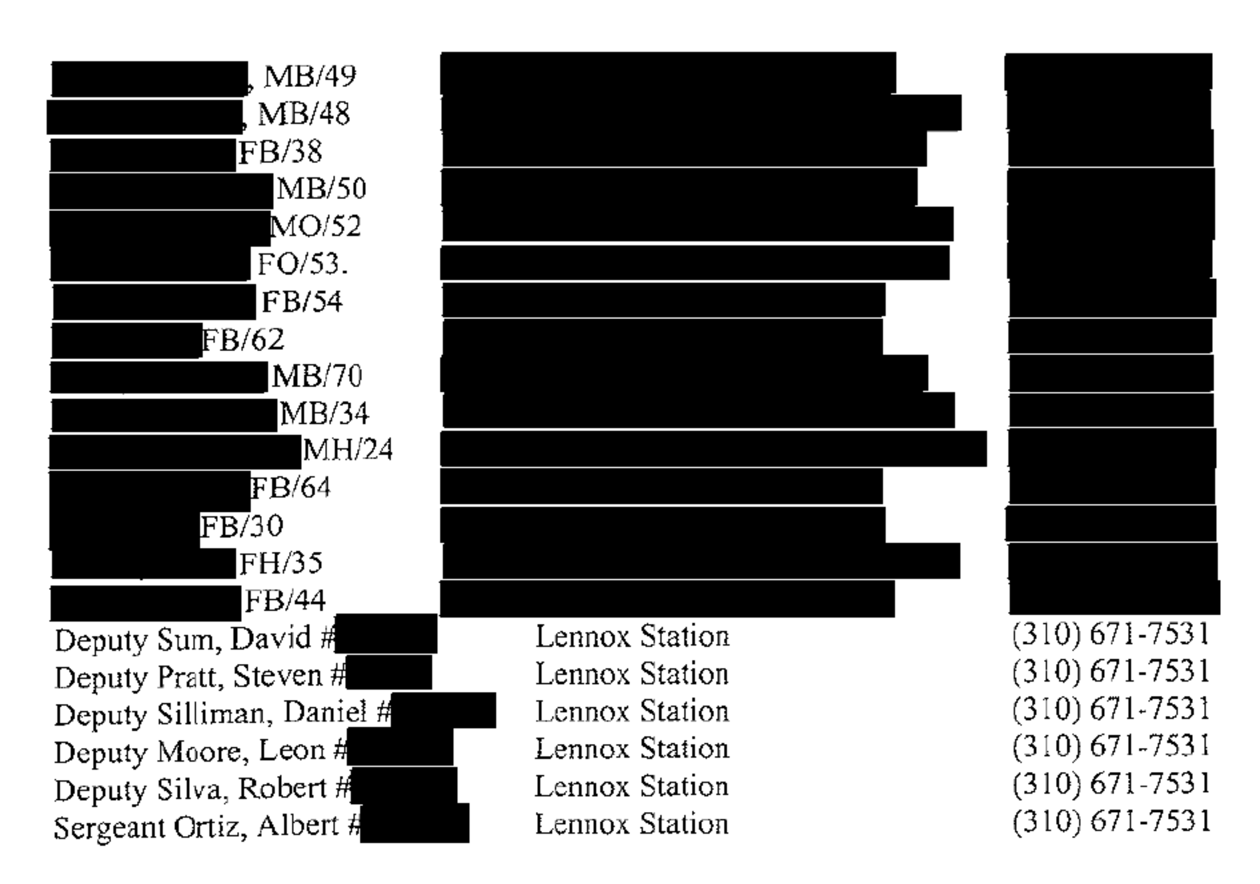
SUSPECT/DECEASED:

Jones, Robert Jr.	MB/38	5'09"/215 lbs

The deceased was a 38 year old male Black [redacted], [redacted], [redacted], [redacted] and [redacted]

WITNESSES:

[redacted] FB/39 [redacted] [redacted]



[redacted], MB/49	[redacted]	[redacted]
[redacted], MB/48	[redacted]	[redacted]
[redacted] FB/38	[redacted]	[redacted]
[redacted] MB/50	[redacted]	[redacted]
[redacted] MO/52	[redacted]	[redacted]
[redacted] FO/53.	[redacted]	[redacted]
[redacted] FB/54	[redacted]	[redacted]
[redacted] FB/62	[redacted]	[redacted]
[redacted] MB/70	[redacted]	[redacted]
[redacted] MB/34	[redacted]	[redacted]
[redacted] MH/24	[redacted]	[redacted]
[redacted] FB/64	[redacted]	[redacted]
[redacted] FB/30	[redacted]	[redacted]
[redacted] FH/35	[redacted]	[redacted]
[redacted] FB/44	[redacted]	[redacted]
Deputy Sum, David #[redacted]	Lennox Station	(310) 671-7531
Deputy Pratt, Steven #[redacted]	Lennox Station	(310) 671-7531
Deputy Silliman, Daniel #[redacted]	Lennox Station	(310) 671-7531
Deputy Moore, Leon #[redacted]	Lennox Station	(310) 671-7531
Deputy Silva, Robert #[redacted]	Lennox Station	(310) 671-7531
Sergeant Ortiz, Albert #[redacted]	Lennox Station	(310) 671-7531

INJURIES:

Decedent Jones' death resulted from three gun shot wounds to the head, any one of which was life threatening according to Doctor Irwin Golden, M.D., Deputy Medical Examiner (**refer Exhibit A, pages 65, 66, & 67**).

Deputy Leon suffered a bruise on the top of his head, an abrasion on his right knee and his right index finger was sore resulting from the suspect bending it back in his attempt to take Deputy Leon's gun.

PHYSICAL EVIDENCE:

Homicide Investigators examined Deputy Leon's Department issued Beretta, Model 92F, Serial # BER[redacted]Z. They found one live Departmental issued 9MM round in the chamber,15 live departmental issued rounds in the magazine and the weapon was off safe. They also found red stains on the barrel and slide of the weapon which were consistent with blood. They examined Deputy Leon's "back-up" weapon, a Smith & Wesson .38 caliber, two inch air-lite, revolver, Serial #[redacted] The weapon was loaded with four live .38 caliber, "Speer Hollow Point" rounds and one

PHYSICAL EVIDENCE (CONTINUED)

expended .38 caliber "Speer" casing in the cylinder **(refer Exhibit A, page 22, Items 24 & 29)**. They examined Deputy Stoker's Department issued Beretta, Model 92F, Serial # BER[redacted]Z. They found the weapon was loaded with 13 live department issued 9MM rounds in the magazine and one live department issued round in the chamber **(refer Exhibit A, page 22, Item 28)**. All three firearms were examined by Firearms Examiner Dale Higashi #[redacted] and found to be functional. For further details regarding the evidence found at the crime scene, refer to Homicide Investigators' Gates and Castillo's supplemental report **(Exhibit A, pages 22 thru 49)**.

INVESTIGATOR OBSERVATIONS:

WEAPONS USED BY DEPUTY PERSONNEL:

Deputy Leon, Daniel #[redacted]

Department authorized Smith and Wesson, .38 caliber, 2 inch, "Air Lite" 5 shot revolver, one round of Department authorized .38 caliber ammunition fired Department records indicate Deputy Leon has not qualified with this weapon.

Deputy Stoker, Joey #[redacted]

Service Weapon, two rounds of duty issue ammunition fired.

WEAPONS USED BY DECEASED:

Deputy Daniel Leon's service weapon, seized in a struggle with the suspect.

PROPERTY DAMAGE:

None

CRIMINAL INVESTIGATOR AND CHARGES FILED:

Homicide Detectives

Detective Jim Gates #[redacted]
Detective David Castillo #[redacted]

No Charges filed due to Robert Jones death.

LIGHTING OR WEATHER CONDITIONS:

At the time of the incident, it was daylight and the sun was shining. The ground was wet from a

recent rain; however, it was not raining at the time of the incident.

INVOLVED EMPLOYEES STATEMENTS:

Deputy Daniel Leon

Deputy Leon said on the day this incident occurred, he was working uniformed patrol in Unit 31D, Day Shift, with his partner and [redacted] Deputy Joey Stoker. He said he was the driver and Deputy Stoker was the bookman. They were driving northbound on Western Ave. when he saw the suspect, who he recognized from previous contacts, walking northbound on the east sidewalk of Western Ave. He drove the patrol car next to the suspect and engaged him in conversation about his arrest status. While he was talking to the suspect, he asked him if he had anything illegal on him. When the suspect told him he had a "pipe," he stopped the patrol car and exited to ask the suspect additional questions.

Upon contacting the suspect on the sidewalk, he conducted a "pat down" search of the suspect for weapons. During the search he felt a pipe in the suspect's right front jacket pocket which he retrieved and gave to Deputy Stoker. He directed the suspect to sit in the rear seat of the patrol car and remove his shoes and socks in order to continue his search for illegal narcotics. When the suspect removed his socks, he saw some white pieces of cocaine drop to the ground which he bent down to retrieve. As he retrieved the cocaine, the suspect pushed him and ran southbound Western Ave., towards 103rd St.

Deputy Leon chased the suspect on foot and when the suspect reached the motel entrance, he saw the suspect turn eastbound and run into the motel lobby. The suspect tripped on some rugs in the lobby and "spilled" out into the motel parking lot at the rear of the location. He got on top of the suspect and told him to put his hands behind his behind his back; however, the suspect continued punching and kicking him in his upper torso. He also experienced very sore thighs and knees indicating the suspect struck him in that area also. He struck the suspect with his flashlight one time and then lost control of the flashlight. He did not know where his flashlight was, but he did know that he did not want the suspect to find it and assault him with it. The struggle continued between the wall of the motel and a vehicle that was parked near the rear door, (**refer Exhibit E**), despite his commands to the suspect to stop his assault.

Deputy Leon told the suspect many times to stop his assault, but he was ignored and the struggle continued with the suspect punching and kicking him. At this point, he used his O.C. spray to gain control of the suspect; however, the spray had no effect. He said after using the spray he felt the suspect tugging on his gun belt and his holster moving. He removed his Beretta and held it at arms length from the suspect in his right hand, and again told the suspect to stop fighting. The suspect looked at him and said "do you think you're going to shoot me." The suspect then grabbed the front portion of the gun and the struggle centered around control of the weapon.

Deputy Leon claimed at this point the O.C. spray began to effect him (Leon) and he started to

have trouble breathing. The light became blurry and he was exhausted from the chase and struggle. He started to "fade out" and realized the suspect now had control of his gun. He believed that the suspect was going to kill him with his own gun. Having lost control of his duty weapon, he drew his back-up weapon from his [redacted] and shot the suspect one time.

After he shot the suspect, he stood and put his back-up weapon into his right hand. At this time his partner, Deputy Stoker, arrived and said to him "dude, he's still moving, get away." He ran northeast around a vehicle that was parked next to the suspect in order to get away from the danger. As he ran around the vehicle he heard two shots. Assistance was requested and within a few minutes, assisting units began to arrive.

Deputy Joey Stoker

Deputy Stoker reported that on the night this incident occurred, he was working uniformed patrol in Unit 31D, Day Shift, with his partner, Deputy Daniel Leon. He was the bookman and Deputy Leon was driving. As Deputy Leon's [redacted], he wanted to locate a person who was under the influence of narcotics so he could evaluate Deputy Leon's writing style for that type of arrest. They were traveling northbound Western Ave. when he saw the suspect standing on the east sidewalk of Western Ave. The suspect was looking over his shoulders and appeared "nervous."

Deputy Leon slowed down and the suspect looked in their direction. As they pulled to the curb and engaged the suspect in conversation through the open passenger window. He recognized the suspect as an individual they had arrested the previous week for a narcotics violation; possession of a cocaine pipe. The suspect was told they wanted to talk with him and he and Deputy Leon exited their patrol vehicle.

As they approached the suspect, Deputy Leon asked the suspect if he had anything illegal on him. The suspect replied "yeah, I have a pipe." There was another male Black adult (Witness [redacted]) standing near the suspect and he directed his attention away from the suspect while Deputy Leon dealt with the suspect. He determined that the male Black was known to him and worked at a local motel, at which time he turned his attention back to Deputy Leon and the suspect. Deputy Leon took hold of the suspect's arm and handed him (Stoker) a glass cocaine pipe which he placed in his jacket pocket. Deputy Leon told the suspect they were detaining him for a narcotics investigation and conducted a pat down search of the suspect.

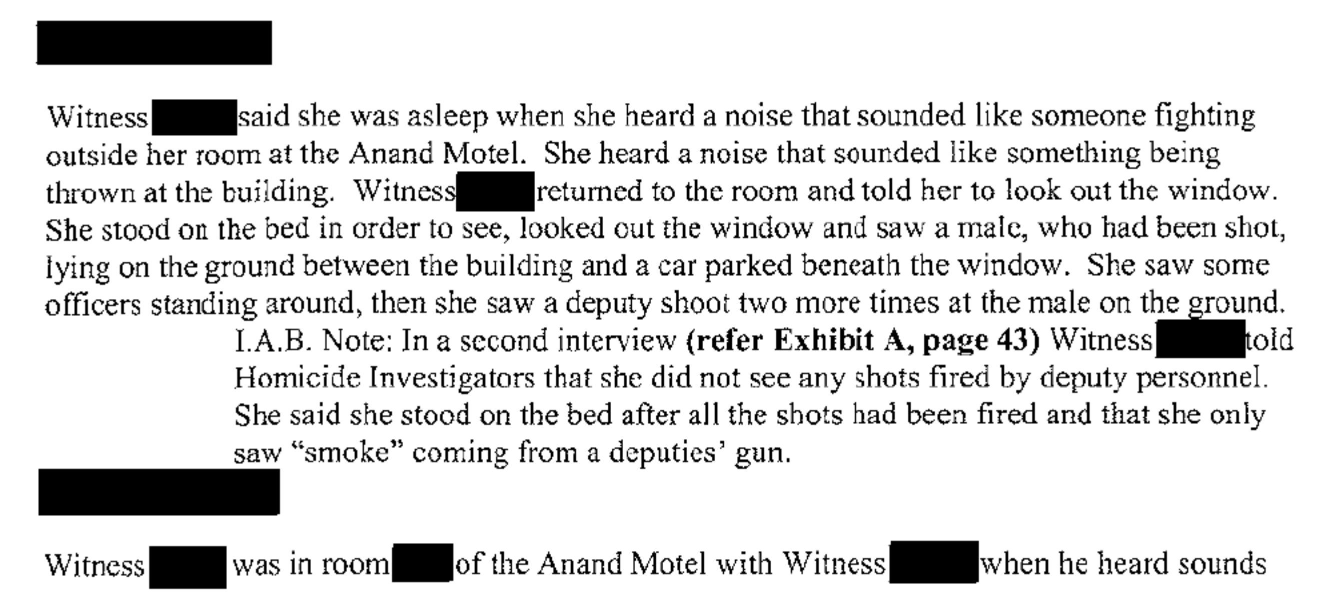
After the suspect had been searched, Deputy Leon opened the rear door of their radio car and told the suspect to sit down, "we're going to checkout your shoes." The suspect was "co-op" and began to take off his shoes. Deputy Leon told the suspect to remove his socks also, at which time he (Stoker) walked away momentarily to store the glass pipe in a narcotics bag in the trunk of their car. He leaned into the passenger side front door to release the trunk; however, the trunk release was located on the left side of the steering column causing him to reach across the entire width of the vehicle to open the trunk.

When he reached across the car, he heard something, looked up and saw Deputy Leon chasing the suspect southbound on Western Ave. He attempted to broadcast emergent radio traffic on his handheld radio; however, his shirt microphone had fallen from his shirt. He was going to set up a containment and ran to the drivers side in order to drive the car to a position of advantage. At this point, he could still see Deputy Leon in foot pursuit of the suspect and made a u-turn to drive southbound on Western Ave. He drove to eastbound 103rd St. and then northbound in the alley east of Western Ave. where he saw Deputy Leon and the suspect fighting on the ground, between a wall and a parked vehicle in a parking lot, Deputy Leon was on top of and straddling the suspect. He stopped the vehicle and ran to assist Deputy Leon.

As he was running towards Deputy Leon he saw that they were fighting over a "black object," which was in both their hands. He then heard a gunshot and continued running towards Deputy Leon's position. As he ran he saw a male Black (Witness [redacted]), standing in a motel room doorway southeast of where the fight was taking place. He pushed the male back into the room and ended up at the suspect's head. The suspect was still moving and his left hand was moving upward with the black object, which he believed to be a gun, still in his hand. He did not know if Deputy Leon was shot or if the suspect had been shot, but feared that the suspect was going to shoot Deputy Leon, therefore, he shot the suspect two times.

Deputy Stoker yelled at Deputy Leon to get away, because the suspect still had possession of the gun. He again saw the male Black (Witness [redacted]) who was now standing outside his room. He pushed the male inside the room and saw a female Black (Witness [redacted]) standing on the bed inside the room. He told the male and female that the suspect had a gun, to which the female replied "we didn't see anything." He requested assistance and a short time later heard sirens in the distance. After the first unit arrived and took over the situation, he and Deputy Leon backed out of the immediate area to await the arrival of a supervisor.

WITNESSES STATEMENTS:



[redacted]

Witness [redacted] said she was asleep when she heard a noise that sounded like someone fighting outside her room at the Anand Motel. She heard a noise that sounded like something being thrown at the building. Witness [redacted] returned to the room and told her to look out the window. She stood on the bed in order to see, looked out the window and saw a male, who had been shot, lying on the ground between the building and a car parked beneath the window. She saw some officers standing around, then she saw a deputy shoot two more times at the male on the ground.

> I.A.B. Note: In a second interview **(refer Exhibit A, page 43)** Witness [redacted] told Homicide Investigators that she did not see any shots fired by deputy personnel. She said she stood on the bed after all the shots had been fired and that she only saw "smoke" coming from a deputies' gun.

[redacted]

Witness [redacted] was in room [redacted] of the Anand Motel with Witness [redacted] when he heard sounds

of a fight which he believed were coming from the room west of his. After a short time he got out of bed and was walking towards the door when he heard a shot. He opened the door and saw a deputy pointing his gun in a westerly direction. The deputy told him to go back inside his room and as he did this he heard the deputy say "he's moving," and after he was inside his room he heard two gunshots. He said while inside his room he looked out his window and saw a male lying on the ground with blood pooling on the pavement under his head.

[redacted]

Witness [redacted] was on Western Ave. at 102nd St. when the suspect called to him. At that point the patrol vehicle pulled up next to the suspect. The deputies seemed to know the suspect. He was questioned briefly by one of the deputies and was then told he could leave, which he did. When he left, the suspect was seated inside the rear of the patrol car and when he reached the west sidewalk of Western Ave. he saw one of the deputies chasing the suspect on foot and one of the deputies was in the patrol car. He confirmed that the deputies had found a cocaine pipe on the suspect.

[redacted]

Witness [redacted] was the suspect's [redacted] She said the suspect had a cocaine problem and after selling all their furniture and quitting his job, he resorted to stealing liquor from local stores and selling it on the street to subsidize his narcotics usage.

[redacted]

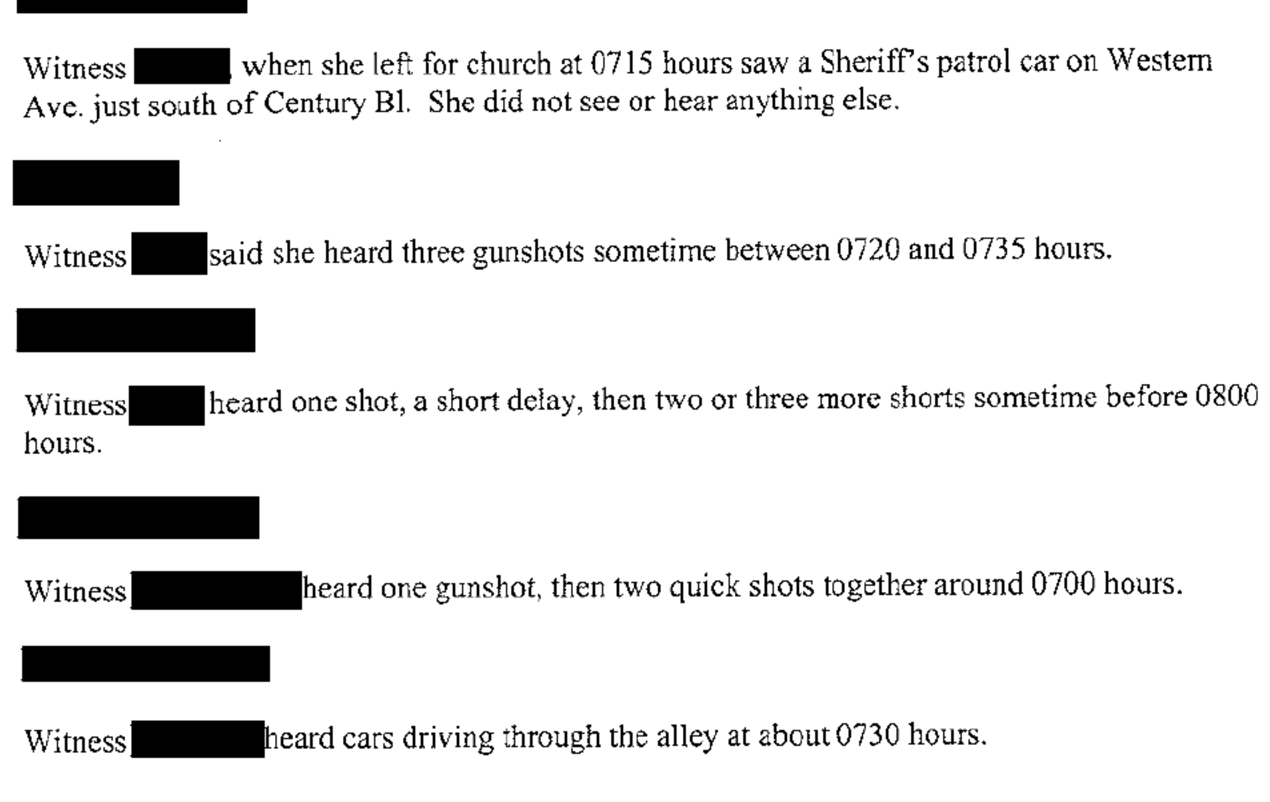
Witness [redacted] was the suspect's [redacted] He is a [redacted] and he recognized that the suspect was using cocaine beginning in April of 2000.

[redacted]

Witness [redacted] is the [redacted] of the Anand Motel and [redacted] On the day of the incident, he was awakened by gunshots and got out of bed to investigate. He went to the kitchen and looked out the window at which time he saw a police officer standing at the rear of his car. He said he did not see the officer shoot his gun.

[redacted]

Witness [redacted] of Witness [redacted] heard noises and got out of bed. Her [redacted] went to the window in the kitchen and approximately five or six minutes later she followed. She saw two police officers standing at the rear of their car. One of the officers had his gun in his hand and the other was pointing his in a westerly direction. She did not see either officer shoot his gun.



[redacted]

Witness [redacted] when she left for church at 0715 hours saw a Sheriff's patrol car on Western Ave. just south of Century Bl. She did not see or hear anything else.

[redacted]

Witness [redacted] said she heard three gunshots sometime between 0720 and 0735 hours.

[redacted]

Witness [redacted] heard one shot, a short delay, then two or three more shorts sometime before 0800 hours.

[redacted]

Witness [redacted] heard one gunshot, then two quick shots together around 0700 hours.

[redacted]

Witness [redacted] heard cars driving through the alley at about 0730 hours.

Deputy David Sum

Deputy Sum heard radio traffic that two deputies were involved in a fight and they responded to their location. He and his partner were the first assisting unit to arrive. He saw Deputy Leon pointing a two inch revolver at a male lying on the ground and Deputy Stoker pointing his Beretta at the same male. As he approached, Deputy Leon told him that the male had his gun. After more units arrived Sergeant Ortiz retrieved a handgun that was lying next to the male on the ground.

Deputy Steven Pratt

Deputy Pratt related substantially the same as Deputy Sum.

Deputy Daniel Silliman

Deputy Silliman was directed to photograph the scene of the shooting by Sergeant Ortiz. He took two Polaroid photos and video taped the scene.

Deputy Leon Moore

Deputy Moore and his partner Deputy Silva arrived at the location in response to a deputy involved in a shooting radio broadcast. He saw Deputies Pratt and Sum at the scene and

"covering" the male lying on the ground. He saw that the suspect was breathing, but not moving. Paramedics arrived and after pulling the suspect east from between the vehicle and the wall the Paramedics began "working" on the suspect.

Deputy Robert Silva

Deputy Silva and his partner Deputy Moore arrived at the location in response to a deputy involved shooting radio broadcast. Upon arrival he saw Deputy Sum with his handgun pointed at a male lying on the ground between a green vehicle and the wall of a building. The Paramedics arrived, pulled the suspect out from between the car and the wall and began rendering medical treatment.

Sergeant Albert Ortiz

Sergeant Ortiz went to the location in response to a deputy involved in a shooting radio broadcast. Upon his arrival he saw Deputy Sum "covering" the suspect who was lying on the ground between a green vehicle and a wall. He walked to front of the vehicle and saw a gun lying between the suspect's leg and the wall and an O.C. cannister lying just west of the gun. He retrieved the gun and directed Deputy Silliman to take still photographs and begin video taping the crime scene.

Witnesses [redacted], [redacted], [redacted] and [redacted] said that they did not see or hear anything on the day and time of the incident.

SUSPECT/DECEASED STATEMENTS:

None